

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

FOTOHAUS, LLC,

Plaintiff,

v.

ENDEAVOR BUSINESS MEDIA, LLC,

Defendant.

CASE NO.: 3:25-CV-00111

Judge Waverly D. Crenshaw, Jr.

Magistrate Judge Barbara D. Holmes

FIRST AMENDED COMPLAINT FOR COPYRIGHT INFRINGEMENT

(INJUNCTIVE RELIEF DEMANDED)

Plaintiff FOTOHAUS, LLC by and through its undersigned counsel, brings this First Amended Complaint against Defendant ENDEAVOR BUSINESS MEDIA, LLC for damages and injunctive relief, and in support thereof states as follows:

SUMMARY OF THE ACTION

1. Plaintiff FOTOHAUS, LLC (“Fotohaus”) brings this action for violations of exclusive rights under the Copyright Act, 17 U.S.C. § 106, to copy and distribute Fotohaus' original copyrighted Works of authorship.

2. Fotohaus is a Florida Limited Liability Company with the principal place of business at 1400 Village Square Blvd, #3-80228, Tallahassee, FL 32312.

3. Daniel Foster (“Foster”) is a professional photographer and has a history of taking highly unique abstract architecture photographs that focus on lines and geometry. His works have been featured 18 times in the highly-coveted “Explore” section of Flickr. More than 86,000 fans follow his work on Instagram. Foster is a member of the Royal Photographic Society and Professional Photographers of America. His work has been published online and offline through a

variety of publications, including National Geographic, der Freitag, the World Wildlife Fund, and Smithsonian. Foster licenses his work commercially on a selective basis and is currently working to establish himself as a fine art photographer. His prints are available for purchase through Saatchi Art.

4. At all times hereto, Foster is the sole owner and principal photographer of Fotohaus.

5. Defendant ENDEAVOR BUSINESS MEDIA, LLC (“HPN”) is a B2B Media Company. At all times relevant herein, HPN owned and operated the internet website located at the URL <https://www.hpnonline.com/> (the “Website”).

6. Fotohaus alleges that HPN copied Fotohaus’s copyrighted Works from the internet in order to advertise, market and promote its business activities. HPN committed the violations alleged in connection with Defendant's business for purposes of advertising and promoting sales to the public in the course and scope of the HPN's business.

JURISDICTION AND VENUE

7. This is an action arising under the Copyright Act, 17 U.S.C. § 501.

8. This Court has subject matter jurisdiction over these claims pursuant to 28 U.S.C. §§ 1331, 1338(a).

9. HPN is subject to personal jurisdiction in Tennessee.

10. Venue is proper in this district under 28 U.S.C. § 1391(b) and (c) and 1400(a) because the events giving rise to the claims occurred in this district, HPN engaged in infringement in this district, HPN resides in this district, and HPN is subject to personal jurisdiction in this district.

DEFENDANT

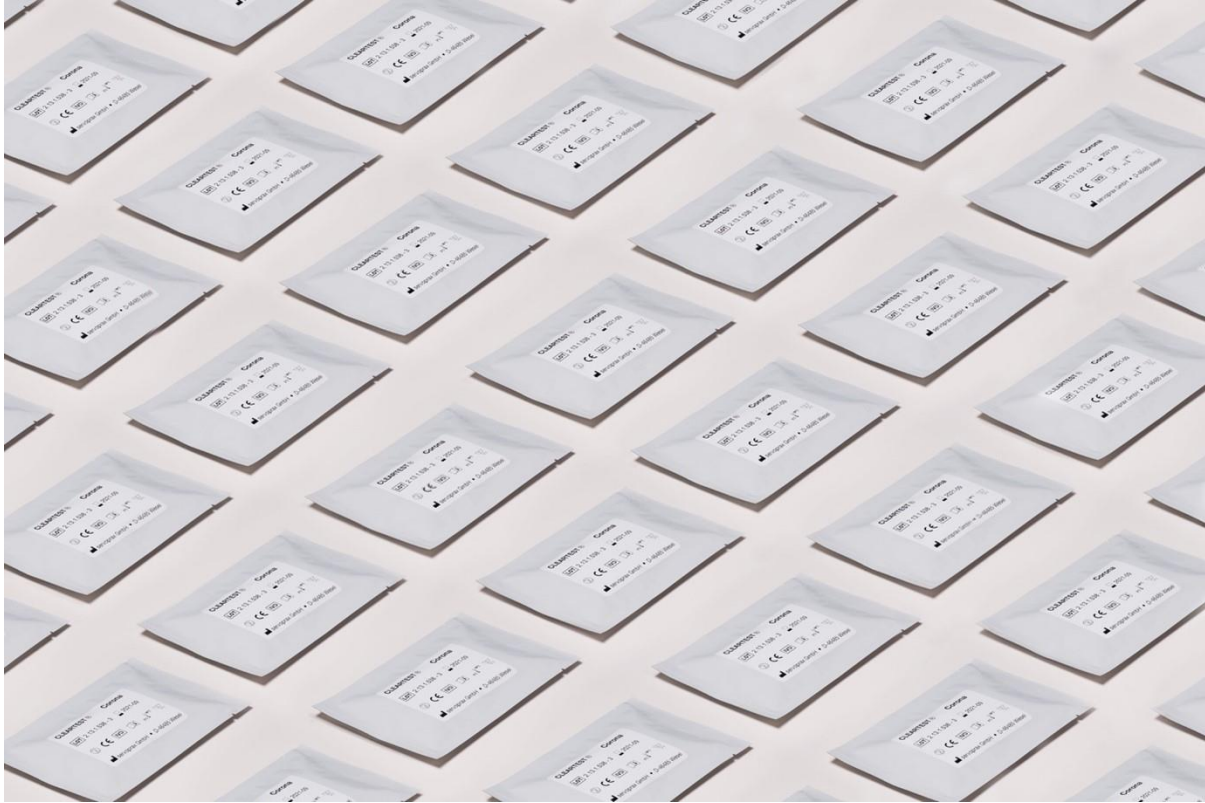
11. Endeavor Business Media, LLC is a Delaware Limited Liability Company, with its principal place of business at 30 Burton Hills Boulevard, Suite #185, Nashville, TN, 37215, and

can be served by serving its Registered Agent, Cogency Global Inc., 992 Davidson Drive, Suite B, Nashville, TN 37205.

THE COPYRIGHTED WORKS AT ISSUE

12. In 2020, Foster created the photographs entitled “Coronavirus Antibodies Test and Coronavirus Test,” which are shown below and referred to herein as the “Works”.





13. Foster registered the Works with the Register of Copyrights on April 18, 2020, and was assigned registration number VA 2-208-783. The Certificate of Registration is attached hereto as **Exhibit 1**.

14. After registering the Work, Foster assigned the entire right, title, and interest of the Work to Fotohaus.

INFRINGEMENT BY HPN

15. HPN has never been licensed to use the Works at issue in this action for any purpose.

16. On a date after the Works at issue in this action were created, but prior to the filing of this action, HPN copied the Works.

17. On or about June 2, 2022, Fotohaus discovered the unauthorized use of its Works on the Website.

18. HPN copied Fotohaus' copyrighted Works without Fotohaus' permission.

19. After HPN copied the Works, it made further copies and distributed the Works on the internet to promote the sale of goods and services as part of its healthcare business news magazine.

20. HPN copied and distributed Fotohaus' copyrighted Works in connection with Defendant's business for purposes of advertising and promoting Defendant's business, and in the course and scope of advertising and selling products and services.

21. HPN committed copyright infringement of the Works as evidenced by the documents attached hereto as **Exhibit 2**.

22. Fotohaus never gave HPN permission or authority to copy, distribute or display the Works at issue in this case.

23. Fotohaus notified HPN of the allegations set forth herein on June 27, 2022, July 13, 2022, August 6, 2024, and September 24, 2024. To date, the parties have failed to resolve this matter.

COUNT I **COPYRIGHT INFRINGEMENT**

24. Fotohaus incorporates the allegations of paragraphs 1 through 23 of this Complaint as if fully set forth herein.

25. Fotohaus owns valid copyrights in the Works at issue in this case.

26. Fotohaus registered the Works at issue in this case with the Register of Copyrights pursuant to 17 U.S.C. § 411(a).

27. HPN copied, displayed, and distributed the Works at issue in this case and made derivatives of the Works without Fotohaus' authorization in violation of 17 U.S.C. § 501.

28. HPN performed the acts alleged in the course and scope of its business activities.

29. Defendant's acts were willful.
30. Fotohaus has been damaged.
31. The harm caused to Fotohaus has been irreparable.

WHEREFORE, the Plaintiff FOTOHAUS, LLC prays for judgment against the Defendant ENDEAVOR BUSINESS MEDIA, LLC that:

- a. HPN and its officers, agents, servants, employees, affiliated entities, and all of those in active concert with them, be preliminarily and permanently enjoined from committing the acts alleged herein in violation of 17 U.S.C. § 501;
- b. HPN be required to pay Fotohaus its actual damages and Defendant's profits attributable to the infringement, or, at Fotohaus' election, statutory damages, as provided in 17 U.S.C. § 504;
- c. Fotohaus be awarded its attorneys' fees and costs of suit under the applicable statutes sued upon;
- d. Fotohaus be awarded pre- and post-judgment interest; and
- e. Fotohaus be awarded such other and further relief as the Court deems just and proper.

JURY DEMAND

Fotohaus hereby demands a trial by jury of all issues so triable.

Dated: April 18, 2025

Respectfully submitted,

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